

REMARKS

In the Office Action of March 29, 2004, the Examiner objected to the Abstract and to the claims. Further the Examiner rejected claims 1, 3 through 7, 10, 11, 12, 14, 16 and 17 under 35 USC 102 (b) as anticipated by Zembitski. Claims 1, 2, 8, 9, 11, 14, 15, and 18 stand rejected under 35 USC 102 (b) as anticipated by IBM patent to Konzola et al.

It is believed that the objections have been overcome by the above amendments submitting a new abstract and all new claims in the case.

A Petition for Extension of Time to answer, along with the statutory fee is also enclosed.

Applicant wishes to address the prior art rejections as follows:

I. Claims 1, 3 through 7, 10, 11, 12, 14, 16 and 17 under 35 USC 102 (b) as anticipated by Zembitski

This rejection under 35 USC 102 (b) based on the Zembitski patent is believed to be improper. The original claims in this application were specifically limited by the use of two different sets of bar codes. One set of bar codes were unique item-identifying bar codes while the other were “unique location-identifying bar codes.” As clearly claimed. “Unique” means different from all else. Zembitski does not have unique location-identifying bar codes as originally and as now claimed. Zembitski is locating moving items and not shelved or stationary items and has no system whatsoever for location

identifying bar codes that are unique, i.e. different from all product bar codes and all other location bar codes.

However, notwithstanding applicant's position on the original Zembitski rejection, applicant has submitted new claims which further distinguish from Zembitski to overcome both 35 USC 102 and 35 USC 103 future rejections. Specifically, the claims are all now recite universal price codes for the product codes; with unique location identifying bar codes. These are significantly different from Zembitski's teachings, structures, purposes and methods.

For these reasons, it is believed that the rejection of the claims based on Zembitski is no longer applicable.

II. Claims 1, 3 through 7, 10,11, 12, 16and 17 under 35 USC 102 (b) as anticipated
by Conzola et al

This rejection is based on Conzola et al. This reference has a complicated system of utilizing aisle bar code labels that include product bar code labels and aisle identifying labels with complex information, multiple aisle labels are used and described. These are shown in Conzola's Figure 2 and described elsewhere. The present invention is now specifically reciting "consisting essentially of", instead of "comprising" and recites one unique location-identifying bar code for each location.

Further, the present invention requires that the unique location-identifying bar code be situated on at least one item from each of the plurality of items at that location. This reference fails to teach this feature as now and previously claimed. In other words, in the present invention, scanning a product item with both the unique item identifier and

the unique location identifier creates a product location directory. None of the prior art references provides for this capability.

Summary

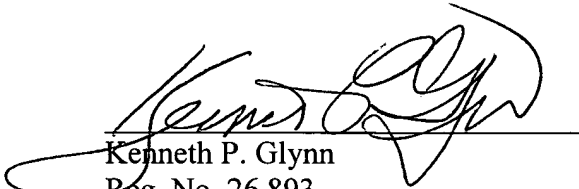
In view of the above amendments and remarks, and the Petition and fee, it is urged that claims 19 through 34 with their further limitations, should be allowed.

Thank you.

Respectfully submitted,

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kpg/aw
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